

June 4, 2013

Michigan House of Representatives
Committee on Natural Resources
Capitol Building
Lansing, MI 48933

Dear Committee Members,

The members of the Michigan Manufacturers Association (MMA) support keeping Michigan's wetlands program a part of state government rather than being administered by the Environmental Protection Agency through their Region V office in Chicago.

In 2008 the U.S. Environmental Protection Agency (U.S. EPA) finalized a 10-year audit of Michigan's compliance with the federal Clean Water Act and Michigan's wetland program. The audit identified some concerns including many Michigan wetland exemptions that were not acceptable under federal law.

Since that time the Michigan Legislature, Michigan Department of Environmental Quality (DEQ), and the regulated community, including MMA, have been working to address the concerns outlined in the audit, while finding ways to streamline the program and provide clarity and certainty to the permitting process.

Based on the work of the Wetlands Advisory Council, the DEQ has put forth a proposal to amend legislation currently before the Senate Natural resources, Environment and Great lakes Committee (SB 163) that we believe will achieve both objectives, while not putting the program at risk for unnecessary federal oversight and intervention.

Having a Michigan administered wetlands program provides immense benefits for the MMA member companies over the US EPA and US Army Corps handling the program from afar.

These benefits include:

- **Michigan's law provides a clear and consistent definition of regulated waters and regulated activities.** Clear definitional language is necessary for regulatory clarity.
- **Faster permit decisions.** Unlike the federal permit program, Michigan's permit processing is completed within deadlines mandated by state statute.
- **Reduces the regulatory burden for permit applicants.** Michigan operates a consolidated joint permit application process. Applicants submit one application and receive review and authorizations under multiple state regulations.

- **Provides the regulated property owners with better access to decision makers.**
- **Provides more public oversight of regulatory decisions.** Michigan law requires public noticing and an opportunity for local units of government or the public to request public hearings on all individual permit applications.
- **Fair and impartial appeal process.** Permitting decisions can be appealed under Michigan's Administrative Procedures Act. Appeals are adjudicated by an independent administrative law judge.
- **Greater flexibility and options in mitigation.** Mitigation banking and a regional approach to wetlands mitigation will improve the process help create critical wetlands.

Michigan Manufacturers Association supports Senate Bill 163 and believes now is the time to move forward with the legislative and administrative reforms necessary to keep the wetlands program a federally delegated program administered here in the state.

Thank you for your continued support of this program.

Sincerely,



Andrew J. Such
Director of Environmental and regulatory Policy
Michigan Manufacturers Association